

capacity.

5. On or about July 10, 2006, defendants Mack, O'Toole, Shortall, Stack, and Conway arrested plaintiff.
6. Defendants Mack, O'Toole, Shortall, Stack, and Conway did not have a lawful basis to arrest plaintiff but instead fabricated evidence to implicate plaintiff in criminal wrongdoing.
7. On August 29, 2006, plaintiff was arraigned on charges based on the evidence fabricated by defendants Mack, O'Toole, Shortall, Stack, and Conway.
8. As a result of the above described wrongdoing of defendants Mack, O'Toole, Shortall, Stack, and Conway, plaintiff was held in custody until his trial in April of 2008, when he was found not guilty.
9. **Claim I:** As a result of the foregoing, defendants Mack, O'Toole, Shortall, Stack, and Conway caused plaintiff to be subjected to false arrest or false imprisonment, contrary to rights secured by the Fourth Amendment.
10. **Claim II:** Defendants Mack, O'Toole, Shortall, Stack, and Conway, by fabricating evidence and concealing their wrongdoing, caused plaintiff to be wrongfully held in custody for nearly two years and thereby deprived plaintiff of due process of law as secured by the Fourteenth Amendment.
11. **Claim III:** The above described acts of defendants Mack, O'Toole, Shortall, Stack, and Conway constitute the Illinois tort of malicious prosecution, for which the City of Chicago is responsible under the doctrine of

respondeat superior.

12. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered in his favor and against defendants in an amount in excess of two hundred and fifty thousand dollars as compensatory damages.

/s/ Kenneth N. Flaxman

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